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Kirby Spencer

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KIRBY SPENCER,

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC,

Defendant.

**Case No. 2:24-cv-00085-MMD-BNW**

**STATUS REPORT AND  
STIPULATED DISCOVERY PLAN  
AND SCHEDULING ORDER;  
SUBMITTED IN COMPLIANCE  
WITH LR 26-1**

The status report is on this case is as follows:

The file was transferred to the MDL in the Southern District of California on July 25, 2014, and was transferred back to this court on December 29, 2023.

With respect to this Plaintiff and his individual claims, no discovery has been conducted. Accordingly, the parties submit the following stipulated discovery plan and scheduling order.

Pursuant to Fed R. Civ. P. 26 and LR 26-1, Plaintiff KIRBY SPENCER and Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC, through their respective counsel, submit the following Stipulated Discovery Plan and Scheduling Order for this Court's review and approval.

1           **1. Fed. R. Civ. 26(f) Meeting:** The parties met for a Fed. R. Civ. P. 26(f) conference  
2           on February 9, 2024.

3           **2. Discovery Plan:** Discovery will be needed concerning the allegations in the  
4           Complaint

5           **a. Initial Disclosures:** The parties will make their respective Fed. R. Civ. P.  
6           26(a)(1) initial disclosures by February 23, 2024.

7           **b. Discovery Cut-Off Date LR 26-1(b)(1):** All discovery shall be completed by  
8           July 17, 2024.

9           **c. Fed. R. Civ. P. 26(a)(2) Expert Disclosures (LR 26-1(e)(3)):** Disclosure of  
10          experts shall proceed according to Fed R. Civ. P. 26(a)(2) expect that, pursuant  
11          to Local 26-1(e)(3):

12           i.       The disclosure of the parties' initial experts and expert reports shall  
13               occur on May 18, 2024, which is 60 days prior to the close of  
14               discovery, and;

15           ii.     The disclosure of the parties' rebuttal experts and expert reports shall  
16               occur on June 17, 2024, which is 30 days after the parties' disclosure  
17               of initial experts.

18           **3. Amend the Pleadings and Adding Parties (LR 26-1(e)(2)):** The parties shall  
19           have until April 18, 2024, to file any motions to amend the pleadings or add  
20           parties, which is 90 days before the discovery cut-off date.

21           **4. Dispositive Motions (LR 26-01(e)(5)-(6)):** The parties shall have until August 16,  
22           2024, to file dispositive motions, which is 30 days after the completion of  
23           discovery.  
24  
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- 1       **5. Pretrial Order (LR 26-01(e)(5)-(6)):** The joint pretrial order shall be filed by  
2       September 15, 2024, which is not more than 30 days after the date set for filing  
3       dispositive motions in this case. If dispositive motions are filed, the date for filing  
4       the joint pretrial order shall be suspended by thirty (30) days after the decision on  
5       the dispositive motions or by further order of the Court. The disclosures required  
6       by Fed.R.Civ.P.26(a)(3) shall be included in the joint pretrial order.
- 7       **6. Interim Status Report (LR 26-3):** The parties shall file the interim status report  
8       required by LR 26-3 by May 18, 2024, which is no later than 60 days before the  
9       discovery cut-off.
- 10      **7. Alternate Dispute Resolution:** The parties certify that they have met and  
11      conferred about the possibility of using alternative dispute-resolution processes,  
12      including mediation, arbitration, and if applicable, early neutral evaluation.
- 13      **8. Alternate Forms of Case Disposition:** The parties certify that they considered  
14      consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c) and Fed R. Civ. P.  
15      73 and use of the Short Trial Program (General Order 2013-01).
- 16      **9. Electronic Evidence:** The parties certify that they have discussed whether they  
17      intend to present evidence in electronic format to jurors for the purposes of jury  
18      deliberations. At this time, the parties do not intend to present evidence in  
19      electronic format to the jury.
- 20      **10. Court Conference:** The parties do not request a conference with the Court before  
21      entry of the scheduling order.

22  
23   Respectfully submitted February 9, 2024.  
24  
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Dated: February 9, 2024

Dated: February 9, 2024

/s/ Craig K. Perry

/s/ Joseph Garin

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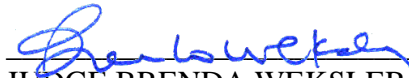
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Attorney for Plaintiff

Attorneys for Defendant

**ORDER**

IT IS ORDERED:



JUDGE BRENDA WEKSLER  
UNITED STATES MAGISTRATE

DATED: 2/12/2024

**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Tyrin Kanemeier  
An Employee of Craig K. Perry & Associates